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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/539,302   | 09/14/2006  | Toshihiko Shimakawa         | 5183-0101PUS1       | 7523             |
| 2292 7590 10/01/2008<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                             |                     |                  |
| EXAMINER<br>HSIEH, PING Y  |             |                             |                     |                  |
| ART UNIT<br>2618   |             | PAPER NUMBER                |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/539,302

**Applicant(s)**

SHIMAKAWA ET AL.

**Examiner**

PING Y. HSIEH

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-21 are pending.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westervelt et al. (U.S. PG-PUB NO. 2002/0073196) in view of Grube et al. (U.S. PATENT NO. 6,885,874).

-Regarding claims 1, 7, 9 and 10, Westervelt et al. disclose an analyzing system comprising: a collecting unit for collecting a survey result of a pre-designated survey from a terminal device (**server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data regarding individual 20 activity, location, or project as disclosed in paragraph 38**); and an analyzing unit for

carrying out a predetermined analysis on the basis of the collected survey result **(individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44).**

However, Westervelt et al. fail to disclose said survey result collected from the terminal device including external environment information of a survey point and said survey; a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device; and the predetermined analysis is on the basis of said reliability.

Grube et al. disclose said survey result collected from the terminal device including external environment information of a survey point and said survey **(communication unit 105 includes a location determination element 126 for determining the location of the communication unit 105 as disclosed in fig. 1 and further disclosed in col. 6 lines 33-58);** and a determining unit for determining reliability **(i.e. inside or outside of the boundary)** of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device **(the GLSS controller**

**determines the eligibility of the subscriber unit to participate in the GLSS by applying filtering policy at step 503 as disclosed in fig. 5 and col. 13 lines 10-20).**

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the survey result to include the location information as disclosed by Grube et al. and analyze the result in consideration of the location. One is motivated as such in order to provide a more accurate analysis.

-Regarding claim 2, the combination further discloses said analyzing unit comprises: an extracting part for selecting a survey result to be analyzed on the basis of said reliability (**Westervelt et al., server unit 50 receive an appropriate authorization code and mobile unit 10 identification, such as phone number information, preferably prompts server unit 50 to initiate a program which geographically locate the position of mobile unit 10 and provide geographic position information to a system user at computer terminal 40 as disclosed in paragraph 35**); and an analyzing part for carrying out said analysis on the basis of the selected survey result (**Westervelt et al., individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into**

**constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44).**

-Regarding claim 3, the combination further discloses said external environment information is survey position information specifying the position of said terminal device at the time point when said survey is conducted **(Grube et al., as disclosed in col. 6 lines 33-58).**

-Regarding claim 4, the combination further discloses said survey includes survey target position information specifying a target point of a survey **(Grube et al., as disclosed in col. 6 lines 33-58 and col. 13 lines 10-20)**, and said determining unit determines reliability of said survey result on the basis of said survey target position information and said survey position information **(Grube et al., col. 13 lines 10-20).**

-Regarding claim 5, the combination further discloses a plurality of survey results exist for the same survey, said extracting unit selects a survey result of high reliability **(Grube et al., filtering policy is used to limit the participation in a location sharing service within certain talk groups only to certain areas enclosed within certain geographic boundaries as disclosed in col. 13 lines 10-20).**

-Regarding claim 6, the combination further discloses a providing unit for transmitting said survey to said terminal device **(Westervelt et al., as disclosed in paragraph 38).**

-Regarding claim 8, Westervelt et al. disclose a survey result collecting system comprising: a collecting unit for collecting a survey result of a pre-designated survey from a terminal device **(server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data regarding individual 20 activity, location, or project as disclosed in paragraph 38)**; an extracting unit for selecting a survey result **(server unit 50 receive an appropriate authorization code and mobile unit 10 identification, such as phone number information, preferably prompts server unit 50 to initiate a program which geographically locate the position of mobile unit 10 and provide geographic position information to a system user at computer terminal 40 as disclosed in paragraph 35)**; and an output unit for outputting the selected survey result **(as disclosed in paragraph 38)**. However, Westervelt et al. fail to disclose said survey result collected from the terminal device including external environment information of a survey point and said survey; a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device; and the selecting of survey result is on the basis of said reliability.

Grube et al. disclose said survey result collected from the terminal device including external environment information of a survey point and said survey **(communication unit 105 includes a location determination element 126 for**

**determining the location of the communication unit 105 as disclosed in fig. 1 and further disclosed in col. 6 lines 33-58); and a determining unit for determining reliability (i.e. inside or outside of the boundary) of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device (the GLSS controller determines the eligibility of the subscriber unit to participate in the GLSS by applying filtering policy at step 503 as disclosed in fig. 5 and col. 13 lines 10-20).**

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the survey result to include the location information as disclosed by Grube et al. and select the result in consideration of the location. One is motivated as such in order to provide a more accurate analysis.

-Regarding claims 11 and 16, Westervelt et al. disclose an analyzing system comprising: a providing unit for providing a program which is adapted to specification of a terminal device and can be executed in said terminal device to said terminal device via a network **(server unit 50 preferably enables a system user to send/receive instructions or messages to individual 20 and enables a system user to view data regarding individual 30 activity, location, or project as disclosed in fig. 1 and fig. 3 and further disclosed in paragraph 38); and a collecting unit for collecting a survey result which is obtained by executing said program in said terminal device (server unit 50 also operate to**

**format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38).** However, Westervelt et al. fail to disclose said survey result collected from the terminal device including external environment information of said terminal device from said terminal device via said network.

Grube et al. disclose said survey result collected from the terminal device including external environment information of a survey point and said survey **(communication unit 105 includes a location determination element 126 for determining the location of the communication unit 105 as disclosed in fig. 1 and further disclosed in col. 6 lines 33-58).**

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the survey result to include the location information as disclosed by Grube et al. One is motivated as such in order to provide a more accurate analysis.

-Regarding claim 13, the combination further discloses said collecting unit stores external environment information included in said survey result and an ideal value to be obtained in said survey result so as to be associated with each other **(Westervelt et al., server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data regarding individual 20 activity, location, or project as disclosed in paragraph 38).**

-Regarding claim 14, the combination further discloses a determining unit for determining reliability of a survey result on the basis of said external environment information included in said survey result (**Grube et al., the GLSS controller determines the eligibility of the subscriber unit to participate in the GLSS by applying filtering policy at step 503 as disclosed in fig. 5 and col. 13 lines 10-20**); and an analyzing unit for carrying out a predetermined analysis on the basis of a collected survey result in consideration of the reliability of the collected survey result (**Westervelt et al., individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44**).

-Regarding claim 15, the combination further discloses a survey result storing unit for storing said survey result (**Westervelt et al., server unit 50 provides data storage for information moving through interface 60 as disclosed in paragraph 38**); and an extracting unit for selecting a survey result to be analyzed from said survey result storing unit on the basis of said reliability (**Westervelt et al., server unit 50 receive an appropriate authorization code and mobile unit 10 identification, such as phone number information,**

**preferably prompts server unit 50 to initiate a program which geographically locate the position of mobile unit 10 and provide geographic position information to a system user at computer terminal 40 as disclosed in paragraph 35), wherein said analyzing unit carries out a predetermined analysis on the basis of the selected survey result (Westervelt et al., individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44).**

-Regarding claim 17, the combination further discloses said collecting unit accepts survey results of a survey until a predetermined time limit which is set for each survey **(Westervelt et al., as disclosed in paragraph 39).**

4. Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westervelt et al. (U.S. PG-PUB NO. 2002/0073196) in view of Grube et al. (U.S. PATENT NO. 6,885,874) and further in view of Pendragon (internet article April 2000, XP002393717).

-Regarding claim 12, Westervelt et al. in combination with Grube et al. discloses all the limitation as claimed in claim 11. The combination further discloses enabling a system user to send/receive instructions or message to

individual 20 as disclosed in Westervelt et al., paragraph 38. However, the combination fails to specifically disclose the instructions or message is a survey information file storing unit for storing a plurality of programs prepared for respective surveys, wherein on the basis of specifications of said terminal device, said providing unit reads a program of a survey corresponding to the specifications from said survey information file storing unit and provides it to said terminal device.

Pendragon discloses a survey information file storing unit for storing a plurality of programs prepared for respective surveys (**Pendragon forms configuration database as disclosed in fig. 1 and further disclosed in paragraphs 1 and 2 in page 3**), wherein on the basis of specifications of said terminal device, said providing unit reads a program of a survey corresponding to the specifications from said survey information file storing unit and provides it to said terminal device (**as disclosed in page 5, paragraph “Distributing Forms to Handhelds**).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the instructions of Westervelt et al. and Grube et al. to be replaced with the forms as disclosed by Pendragon. One is motivated as such in order to provide configurations to the survey and improve accuracy.

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westervelt et al. (U.S. PG-PUB NO. 2002/0073196) in view of Grube et al. (U.S.

PATENT NO. 6,885,874) and further in view of Fuccello et al. (U.S. PATENT NO. 7,092,369).

-Regarding claim 18, Westervelt et al. in combination with Grube et al. discloses all the limitations as claimed in claims 11 and 17. The combination further discloses a log storing unit for managing a survey a surveyor takes charge of on a surveyor unit basis **(Westervelt et al., sever unit 50 provides data storage for information moving through navigable interface 60 as disclosed in paragraph 38)**. However, the combination fails to specifically disclose a notifying unit for, when the remaining period to said time limit becomes shorter than a predetermined period, sending a notification of urging a surveyor in charge of the survey to transmit a survey result to the surveyor.

Fuccello et al. disclose a notifying unit for, when the remaining period to said time limit becomes shorter than a predetermined period, sending a notification of urging a surveyor in charge of the survey to transmit a survey result to the surveyor **(as disclosed in col. 3 line 66-col. 4 line 2)**.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the analyzing system of Westervelt et al. and Grube et al. to include the notification unit as disclosed by Fuccello et al. One is motivated as such in order to notify user the shortage of time for completing the survey and prevent loss of survey data.

-Regarding claim 20, the combination further discloses said terminal device presents a survey by executing said program **(Westervelt et al., server**

**unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data regarding individual 20 activity, location, or project as disclosed in paragraph 38), said survey result includes position information of said terminal device when said survey is presented (Westervelt et al., geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38) and an image captured by said terminal device when said survey is presented (Fuccello et al., as fig. 5 and fig. 6), and said survey result storing unit stores said position information and said image so as to be associated with each other (Westervelt et al., server unit 50 provides data storage for information moving through interface 60 as disclosed in paragraph 38).**

***Response to Arguments***

6. Applicant's arguments, see pages 12-14 of the remarks, filed 7/2/08, with respect to the rejection(s) of claim(s) 1, 7-9 and 11 under 102 rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Grube et al. (U.S. PATENT NO. 6,885,874), which discloses a survey result collected from the terminal device including external environment information of a survey point

and said survey (**communication unit 105 includes a location determination element 126 for determining the location of the communication unit 105 as disclosed in fig. 1 and further disclosed in col. 6 lines 33-58**); and a determining unit for determining reliability (**i.e. inside or outside of the boundary**) of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device (**the GLSS controller determines the eligibility of the subscriber unit to participate in the GLSS by applying filtering policy at step 503 as disclosed in fig. 5 and col. 13 lines 10-20**).

***Allowable Subject Matter***

7. Claims 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PING Y. HSIEH whose telephone number is (571)270-3011. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Y. H./  
Examiner, Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
Unit 2618